

**DEPARTMENT OF SOCIAL SERVICES**

744 P Street, Sacramento, CA 95814



September 19, 2001

Regulation Package #0699-13

CDSS MANUAL LETTER NO. EAS-01-08

TO: HOLDERS OF THE EAS MANUAL, DIVISION 42

**Regulation Package #0699-13****Effective 9/10/01****Sections 42-710, 42-711, and 42-716**

These regulations have been amended to clarify that the hours of participation in unpaid community service and work experience shall be considered to have been met by participation in an average weekly number of hours determined by dividing the monthly amount by 4.33 (the average number of weeks per month).

These regulations were adopted on September 10, 2001 and were considered at the Department's public hearing held on May 16, 2001.

**FILING INSTRUCTIONS**

**Revisions to all manuals are shown in graphic screen.** The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing EAS changes was EAS-01-07.

**Page(s)**

224 and 225  
238 through 239.2  
253.7 through 255

**Replace(s)**

Pages 224 and 225  
Pages 238 through 239.1  
Pages 253.7 through 255

Attachment

JTP

**This page is intentionally left blank.**

<b>42-702</b>	<b>CALWORKS WELFARE-TO-WORK ENROLLMENT REQUIREMENTS</b>	<b>42-702</b>
---------------	---	---------------

- .1 An individual who was receiving aid in the month prior to the implementation date of CalWORKs Welfare-to-Work Program in the county shall be enrolled in the Welfare-to-Work Program no later than January 1, 1999.
- .11 The CWD may require an existing GAIN participant to enter into a new welfare-to-work plan prior to completion of the activities in the GAIN contract in which the individual is satisfactorily participating. New requirements (including, but not limited to, hours and/or activities) and services may be added to those in the contract, but no assignment(s) may be withdrawn prior to completion without the participant's written consent.
- .2 An individual whose beginning date of aid is in the month that the CalWORKs Welfare-to-Work Program is implemented in the county, or thereafter, shall be enrolled by the CWD at the time when the application for aid is granted. An individual who volunteers to participate before the application is granted shall be enrolled at the time he or she volunteers.
- .3 Enrollment is defined as sending an individual a notice that he or she is scheduled for a welfare-to-work appraisal or that he or she is required to convert their GAIN contract to a welfare-to-work plan, as appropriate.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 10532(c) and 11322.8, Welfare and Institutions Code.

<b>42-710</b>	<b>18- AND 24-MONTH TIME LIMITS</b>	<b>42-710</b>
---------------	-------------------------------------	---------------

- .1 Except as otherwise provided in these regulations, a parent or caretaker relative, whose beginning date of aid is in the month that the CalWORKs Welfare-to-Work Program is implemented in the county, or thereafter, is not eligible to receive aid for a cumulative period of more than 18 months, unless: 1) it is certified by the CWD that there is no job currently available for the recipient as specified in Section 42-710.5; and 2) the recipient works in unsubsidized employment and/or participates in community service activities, including grant-based OJT and activities required under Section 42-711.93, .94, and .96, for the required minimum hours in accordance with Section 42-711.4.
- .11 The time-limit period starts on the date the recipient signs, or refuses to sign without good cause, a welfare-to-work plan described in Section 42-711.6 et seq.
- .12 The CWD shall adopt criteria for extending the 18-month time limit for up to six months.
  - .121 The criteria adopted by the CWD shall be used to determine if:
    - (a) an extension is likely to result in unsubsidized employment; or
    - (b) employment is not available due to local employment rates or economic conditions.

<b>42-710</b>	<b>18- AND 24-MONTH TIME LIMITS (Continued)</b>	<b>42-710</b>
---------------	---	---------------

- .122 In determining whether an extension should be granted because it is likely to result in unsubsidized employment or because employment is not available, the CWD also may consider criteria related to the employability of the individual and other relevant factors.
- .2 Except as otherwise provided in these regulations, a parent or caretaker relative, who was receiving aid in the month prior to implementation of the Welfare-to-Work Program in the county, is not eligible to receive aid for a cumulative period of more than 24 months, unless: 1) it is certified by the CWD that there is no job currently available for the recipient as specified in Section 42-710.5; and 2) the recipient works in unsubsidized employment and/or participates in community service activities, including grant-based OJT and activities required under Section 42-711.93, .94, and .96, for the required minimum hours in accordance with Section 42-711.4.
- .21 The time-limit period starts on the date the recipient signs, or refuses to sign without good cause, a welfare-to-work plan described in Section 42-711.6 et seq.
- .3 A parent or caretaker relative recipient who has reached the 18- or 24-month time limit, who is working in unsubsidized employment for less than the required minimum hours, and for whom no job is currently available for the required number of hours, shall remain eligible for aid by participating in community service activities, including grant-based OJT and activities required under Section 42-711.93, .94, and .96, for the additional number of hours necessary to meet the participation requirements in accordance with Section 42-711.4.
- .31 If an individual has received aid for a cumulative period of more than 18 or 24 months, as specified in Section 42-710.1 or .2, as applicable, and returns to aid after a break in aid of at least one month, the CWD shall determine whether to require the individual to participate in community service in accordance with Section 42-711.9 or in welfare-to-work activities described in Section 42-716.
- .4 No month in which aid has been received prior to January 1, 1998 shall be taken into consideration in computing the required 18- or 24-month time limits.
- .5 For purposes of these time limits, "no job is currently available" means that the recipient has taken and continues to take all the steps to apply for appropriate positions and has not refused an offer of employment without good cause.
- .6 A month of receipt of aid shall not count toward the 18- or 24-month time limit period when it is a month in which the individual is:
- .61 Not required to participate in welfare-to-work activities because he/she is exempt from participation, in accordance with Section 42-712 et seq., and the condition is expected to last for at least 30 days,

<b>42-711</b>	<b>WELFARE-TO-WORK PARTICIPATION REQUIREMENTS</b>	<b>42-711</b>
---------------	---	---------------

(Continued)

.638 If an activity to be provided under the welfare-to-work plan is not immediately available to the participant, he or she shall be assigned to job search and/or job readiness activities until the education or training activity designated in the plan is available.

- (a) Job search activities are subject to the limits described in Section 42-711.53.

---

**HANDBOOK BEGINS HERE**

---

- (b) The number of weeks during which an individual's participation in job search and job readiness activities will count toward meeting the federal work participation rates is limited by federal law. See Section 42-714.3(f).

---

**HANDBOOK ENDS HERE**

---

.7 Reappraisal

.71 The CWD shall conduct a reappraisal of any participant who does not obtain unsubsidized employment upon completion of all activities in his or her welfare-to-work plan, unless the participant has reached the 18- or 24-month time limit. The reappraisal shall evaluate whether there are extenuating circumstances, as defined by the CWD, that prevent the participant from obtaining employment within the local labor market area.

.711 If the CWD determines that extenuating circumstances exist, the participant shall be assigned to additional activities consistent with the reappraisal.

.712 If extenuating circumstances do not exist, and until the CWD reverses this determination or the participant reaches the 18- or 24-month time limit, the participant is required to participate for the required minimum hours in activities that are limited to the following:

- (a) Unsubsidized employment.
- (b) Work experience as defined in Section 42-701.2(w)(1).
- (c) Self-employment.
- (d) Job skills training directly related to employment.
- (e) Mental health, substance abuse, and/or domestic abuse services in accordance with Sections 42-716.5, 42-716.6, and 42-716.111(q), respectively.

.8 Satisfactory Participation

<b>42-711</b>	<b>WELFARE-TO-WORK PARTICIPATION REQUIREMENTS</b>	<b>42-711</b>
---------------	---	---------------

(Continued)

.81 The criteria for satisfactory participation in an assigned education or training activity include regular attendance and satisfactory progress. A participant who fails or refuses to comply with program requirements for participation in the activities assigned pursuant to Section 42-711, and whose failure to make satisfactory progress is not due to a learning or medical problem, shall be subject to compliance and sanction requirements in accordance with Sections 42-721.2 and .4, respectively.

.811 The CWD or the service provider shall inform the participant of the standards for meeting the regular attendance and satisfactory progress requirements for the program to which they are assigned.

.9 Community Service After Time Limits

.91 The participant shall remain eligible for aid only if he or she works in unsubsidized employment and/or participates in community service, including grant-based OJT and activities required under Section 42-711.93, .94, and .96, to meet the required minimum hours in accordance with Section 42-711.4 if:

.911 The participant has reached the 18-month time limit (and exhausted any extension granted) or the 24-month time limit, as applicable;

.912 The participant has not found unsubsidized employment sufficient to meet the required minimum hours of participation; and

.913 The CWD has certified that no job is currently available for the participant, in accordance with Section 42-710.5.

.92 For participants who have reached the 18- or 24-month time limits, the CWD shall provide community service activities and provide supportive services as described in Section 42-716.4. The changes to the activities and supportive services shall be reflected in an amended welfare-to-work plan.

.921 A participant may take part in community service activities until he or she has received aid for a total of 60 months.

.93 Participants whose assistance units include food stamp recipients shall participate in unpaid community service activities for the number of hours each month that is the lesser of the two following equations:

.931 The number of hours required by Section 42-711.4, less the number of hours spent in unsubsidized employment and grant-based OJT; or,

<b>42-711</b>	<b>WELFARE-TO-WORK PARTICIPATION REQUIREMENTS</b>	<b>42-711</b>
---------------	---	---------------

(Continued)

- .932 The number of hours, determined collectively for the assistance unit, equal to the CalWORKs assistance unit's grant plus the assistance unit's portion of the food stamp allotment divided by the higher of the state or federal minimum wage. If all or a portion of the CalWORKs assistance unit's grant has been diverted to an employer pursuant to Section 42-701.2(g)(2) and Section 42-716.111(f), only that portion, if any, received as a grant and the assistance unit's portion of the food stamp allotment shall be used in this calculation.
- .94 Participants whose assistance units do not include food stamp recipients shall participate in unpaid community service activities for the number of hours each month that is the lesser of the two following equations:
- .941 The number of hours required by Section 42-711.4, less the number of hours spent in unsubsidized employment and grant-based OJT; or,
- .942 The number of hours, determined collectively for the assistance unit, equal to the grant received by the CalWORKs assistance unit divided by the higher of the state or federal minimum wage. If all or a portion of the CalWORKs assistance unit's grant has been diverted to an employer pursuant to Section 42-701.2(g)(2) and Section 42-716.111(f), only that portion, if any, received as a grant shall be used in this calculation.
- .95 The monthly amount in Sections 42-711.93 and .94 shall be considered to have been met by participation in an average weekly number of hours determined by dividing the monthly amount by 4.33 (average number of weeks per month).

42-711	<b>WELFARE-TO-WORK PARTICIPATION REQUIREMENTS</b> (Continued)	42-711
--------	--	--------

- .96 Participants whose hours of participation in unpaid community service activities are determined pursuant to Section 42-711.932 or .942 and do not meet the participation requirement specified in Section 42-711.4 shall participate in other welfare-to-work activities for the additional number of hours necessary to satisfy the participation requirement.
- .97 Any individual required to participate in a community service activity who fails to comply with program requirements without good cause shall be sanctioned in accordance with Section 42-721.4.
- .98 See Section 42-710.31 for circumstances under which the CWD may require the individual to participate in welfare-to-work activities other than community service.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 11253.5(b), 11320.1, 11320.15, 11320.3, 11322.6, 11322.8, 11322.9, 11324.8(a) and (b), 11325.2, 11325.21, 11325.22, 11325.23(a), (b), (c), (e), and (f), 11325.25, 11325.4, 11325.5, 11325.6, 11325.7, 11325.8, 11326, 11327.4, and 11454(a), Welfare and Institutions Code; 42 U.S.C. 607(c)(1)(A), (c)(1)(B)(ii), and (c)(2)(A)(i); 7 U.S.C. 2029(a)(1); 7 U.S.C. 2035; U.S. Department of Labor guidance on FLSA, with attached U.S.D.A., Food and Nutrition Service (FNS) guidance on an SFSP, dated May 22, 1997; and Simplified Food Stamp Program approval letters from FNS to implement the provisions of an SFSP, dated May 5, 2000 and August 3, 2000.



<b>42-715</b>	<b>DOMESTIC ABUSE PROTOCOLS AND TRAINING STANDARDS</b>	<b>42-715</b>
---------------	--	---------------

(Continued)

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11495, 11495.1, 11495.15, 11495.25 and 11495.40, Welfare and Institutions Code.

<b>42-716</b>	<b>WELFARE-TO-WORK ACTIVITIES</b>	<b>42-716</b>
---------------	-----------------------------------	---------------

- .1 Upon the completion of job search activities, or a determination that those activities are not required as an initial activity, the participant shall be assigned to one or more welfare-to-work activities as needed to obtain employment.
- .11 The welfare-to-work plan described at Section 42-711.6 shall include welfare-to-work activities.
  - .111 Welfare-to-work activities may include, but are not limited to, any of the following:
    - (a) Unsubsidized employment.
    - (b) Subsidized private sector employment.
    - (c) Subsidized public sector employment.
    - (d) Work experience, as defined in Section 42-701.2(w)(1).
      - (1) Unpaid work experience shall be limited to 12 months, unless the CWD and the welfare-to-work participant agree to extend this period by an amendment to the welfare-to-work plan. The CWD shall review the work experience as appropriate.
        - (A) At the time of the assignment to the work experience activity, the CWD shall identify the job skill(s) to be developed or enhanced. The CWD shall review the work experience activity as necessary to determine the participant's progress toward reaching the training goal.
        - (B) Revisions to the welfare-to-work plan shall be made as necessary to ensure that the work experience assignment continues to be consistent with the participant's plan and is effective in preparing the participant to obtain employment.

<b>42-716</b>	<b>WELFARE-TO-WORK ACTIVITIES</b>	<b>42-716</b>
---------------	-----------------------------------	---------------

(Continued)

- (2) Hours of participation in work experience shall be limited as follows:
  - (A) Participants in work experience activities whose assistance units include food stamp recipients shall participate in these activities for no more than the number of hours each month, determined collectively for the assistance unit, equal to the CalWORKs assistance unit's grant plus the assistance unit's portion of the food stamp allotment divided by the higher of the state or federal minimum wage.
  - (B) Participants in work experience activities whose assistance units do not include food stamp recipients shall participate in these activities for no more than the number of hours each month, determined collectively for the assistance unit, equal to the CalWORKs assistance unit's grant divided by the higher of the state or federal minimum wage.
- (3) The monthly limit in Sections 42-716.111(d)(2)(A) and (B) shall be considered to have been met by participation in an average weekly number of hours determined by dividing the monthly amount by 4.33 (average number of weeks per month).
- (e) On-the-job training (OJT).
- (f) Grant-based OJT, as defined in Section 42-701.2(g)(2) and pursuant to Section 42-716.8.
- (g) Supported work or transitional employment as defined in Section 42-701.2(s)(3), and pursuant to Section 42-716.8, except that only the grant or the grant savings can be diverted to the employer.
- (h) Work study.
- (i) Self-employment.

<b>42-716</b>	<b>WELFARE-TO-WORK ACTIVITIES</b>	<b>42-716</b>
	(Continued)	

- (j) Community service as defined in Section 42-701.2(c)(3).
  - (1) Hours of participation in unpaid community service prior to the time limit specified in Section 42-710 shall be limited as follows:
    - (A) Participants in unpaid community service activities whose assistance units include food stamp recipients shall participate in these activities for no more than the number of hours each month, determined collectively for the assistance unit, equal to the CalWORKs assistance unit's grant plus the assistance unit's portion of the food stamp allotment divided by the higher of the state or federal minimum wage.
    - (B) Participants in unpaid community service activities whose assistance units do not include food stamp recipients shall participate in these activities for no more than the number of hours each month, determined collectively for the assistance unit, equal to the CalWORKs assistance unit's grant divided by the higher of the state or federal minimum wage.
  - (2) The monthly limit in Sections 42-716.111(j)(1)(A) and (B) shall be considered to have been met by participation in an average weekly number of hours determined by dividing the monthly amount by 4.33 (average number of weeks per month).
  - (3) Hours of participation in unpaid community service after the time limit specified in Section 42-710 shall be determined in accordance with Section 42-711.93 or .94.
- (k) Adult basic education as defined in Section 42-701.2(a)(1).
  - (1) Participants shall be referred to appropriate service providers that include, but are not limited to, educational programs operated by school districts or county offices of education that have contracted with the superintendent of public instruction to provide services to the participant, pursuant to Section 33117.5 of the Education Code.

42-716	<b>WELFARE-TO-WORK ACTIVITIES</b> (Continued)	42-716
--------	--	--------

- (l) Job skills training directly related to employment.
  - (m) Vocational education and training including, but not limited to, college and community college education, adult education, regional occupational centers, and regional occupational programs.
    - (1) Any child care provider job training that is funded by either the State Department of Education or the California Department of Social Services shall include information on becoming a licensed child care provider.
  - (n) Job search and job readiness assistance as defined in Sections 42-701.2(j)(2) and (3).
  - (o) Education directly related to employment.
  - (p) Satisfactory progress in a secondary school or in a course of study leading to a certificate of general educational development, in the case of a recipient who has not completed secondary school or received such a certificate.
  - (q) Mental health (see Section 42-716.5), substance abuse (see Section 42-716.6), and domestic abuse services (see Section 42-713.221) that are necessary to obtain and retain employment.
  - (r) Other activities necessary to assist an individual in obtaining unsubsidized employment.
  - (s) Participation required of the parent by the school to ensure the child's attendance, in accordance with Section 42-711.632(a).
- .2 Assignment to an educational activity identified under Sections 42-716.111(k), (m), (o), and (p) is limited to those situations in which the education is needed to become employed.
- .3 Every CWD shall provide an adequate range of the activities described in Section 42-716.111 to ensure each participant's access to needed activities and services to assist him or her in seeking employment, to provide education and training the participant needs to find self-supporting work, and to arrange for placement in paid or unpaid work settings that will enhance a participant's ability to obtain unsubsidized employment.